

## ❖ Establishment of the NC Commission for MH/DD/SAS ❖

The Commission for Mental Health, Developmental Disabilities and Substance Abuse Services was established in 1973 as part of the **Executive Organization Act (G.S. 143B)**. G.S. 143B-147(a) (Appendix A) reads, in part:

There is hereby created the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services with the power and duty to adopt, amend and repeal rules to be followed in the conduct of State and local mental health, developmental disabilities, substance abuse programs, including education, prevention, intervention, screening, assessment, referral, detoxification, treatment, rehabilitation, continuing care, emergency services, case management, and other related services. Such rules shall be designed to promote the amelioration or elimination of the mental illness, developmental disabilities, or substance abuse problems of the citizens of this State. Also, the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall have the authority to advise the Secretary of the Department of Health and Human Services regarding the need for, provision and coordination of education, prevention, intervention, treatment, rehabilitation and other related services in the areas of mental illness and mental health, developmental disabilities, and substance abuse.

G.S. 143B-147(a)(3) provides that the Commission shall advise the Secretary of the Department of Health and Human Services regarding the need for, provision and coordination of education, prevention, intervention, treatment, rehabilitation and other related services in the areas of mental illness and mental health, developmental disabilities and substance abuse. Further, under G.S. 143B-147(a)(4) the Commission is to review and advise the Secretary of the Department of Health and Human Services regarding all State plans required by federal or state law and to recommend to the Secretary any changes it thinks necessary in those plans (provided that the Department is designated as the single state agency responsible for administration of such plans).

**The 1985 Mental Health, Developmental Disabilities, and Substance Abuse Act** extended the powers and duties of the Commission for MH/DD/SAS. G.S. 122C (26) (Appendix A) reads:

In addition to other powers and duties, the Commission shall exercise the following powers and duties:

- (1) Adopt, amend, and repeal rules consistent with the laws of this State and the laws and regulations of the federal government to implement the provisions and purposes of this Article;
- (2) Issue declaratory rulings needed to implement the provisions and purposes of this Article;
- (3) Adopt rules governing appeals of decisions to approve or deny licensure under this Article;
- (4) Adopt rules for the waiver of rules adopted under this Article; and
- (5) Adopt rules applicable to facilities licensed under this Article:

- a. Establishing personnel requirements of staff employed in facilities;
- b. Establishing qualifications of facility administrators or directors;
- c. Establishing requirements for death reporting including confidentiality provisions related to death reporting; and
- d. Establishing requirements for patient advocates

**The 2001 Mental Health Reform (H381)** revised and added to sections of the Executive Organization Act (G.S. 143B) and the MH/DD/SA Act (G.S. 122C):

- Added to duties of Commission for MH/DD/SAS (G.S. 143B-147) (Appendix A)
- Changed membership guidelines of Commission for MH/DD/SAS (G.S. 143B-148) (Appendix A)
- Added to duties of the Secretary of DHHS (G.S. 122C-112) (Appendix D)
- Added G.S. 122C-102, State Plan for Mental Health, Developmental Disabilities and Substance Abuse Services (guiding the mental health reform) (Appendix D)

Powers and Duties also included in Appendix A:

G.S. 122C-64: regarding human rights committees (revised in 2001 as H381)

G.S. 143B-147: details the Commission duties, especially rules adoption (revised in 2001 as H 381)

